

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

ALL YEAR HOLDINGS LIMITED,

Debtor.

AYH WIND DOWN LLC, through Ofer Tzur and
Amir Flamer, solely in their joint Capacity as
Claims Administrator,

Plaintiff,

-against-

YOEL SILBERSTEIN,

Defendant.

Case No. 1:24-cv-00800-JHR

Chapter 11
Case No. 21-12051-mg

Adv. Pro. No. 23-01180-mg

**DECLARATION OF DAVID N.
SAPONARA IN SUPPORT OF
DEFENDANT'S MOTION
TO STAY ADVERSARY
PROCEEDING PENDING DECISION
ON DEFENDANT'S MOTION
WITHDRAW THE REFERENCE
AND COMPEL ARBITRATION**

David N. Saponara, an attorney duly admitted to practice law in the courts of the State of New York, declares the following to be true under penalties of perjury:

1. I am a member of Kudman Trachten Aloe Posner LLP, attorneys for defendant Yoel Silberstein (“Defendant”) in the above-captioned action.
2. I respectfully submit this declaration in support of Defendant’s motion for entry of an order, pursuant to Federal Rule of Bankruptcy Procedure Rule 5011(c), staying plaintiff AYH Wind Down LLC’s (“Plaintiff”) adversary proceeding against Defendant in the Bankruptcy Court pending this Court’s decision on Defendant’s fully submitted motion to withdraw the reference and compel arbitration.
3. Attached hereto as Exhibit A is a copy of Plaintiff’s letter application filed in the Bankruptcy Court on February 20, 2024, seeking to extend the fact discovery deadline to April 6, 2024, and retroactively extend the deadline for moving for leave to amend its complaint (Adv. Pro. ECF No. 17).

4. Attached hereto as Exhibit B is a copy of the Bankruptcy Court's order entered on February 27, 2024, granting Plaintiff's letter application dated February 20, 2024 (Adv. Pro. ECF No. 18).

5. Attached hereto as Exhibit C is a copy of Plaintiff's motion for leave to amend its complaint filed in the Bankruptcy Court on April 6, 2024 (Adv. Pro. ECF Nos. 19–20).

6. Attached hereto as Exhibit D is a copy of Plaintiff's letter filed in the Bankruptcy Court on April 16, 2024, requesting a pre-motion conference for its proposed motion for summary judgment (Adv. Pro. ECF No. 22).

7. Attached hereto as Exhibit E is a copy of Defendant's letter filed in the Bankruptcy Court on April 23, 2024, opposing Plaintiff's request for permission to move for summary judgment (Adv. Pro. ECF No. 24).

8. Attached hereto as Exhibit F is a copy of the transcript of the conference held in the Bankruptcy Court on April 25, 2024.

9. Attached hereto as Exhibit G is a copy of Defendant's letter filed in the Bankruptcy Court on April 26, 2024, stating that Defendant would not oppose Plaintiff's motion for leave to amend and requesting that there be no further proceedings in the Bankruptcy Court pending this Court's determination of Defendant's motion to withdraw the reference and compel arbitration (Adv. Pro. ECF No. 25).

10. Attached hereto as Exhibit H is a copy of Plaintiff's amended adversary complaint filed in the Bankruptcy Court on May 3, 2024 (Adv. Pro. ECF No. 27).

11. Attached hereto as Exhibit I is a copy of Defendant's answer to Plaintiff's amended adversary complaint filed in the Bankruptcy Court on May 17, 2024 (Adv. Pro. ECF No. 28).

12. Attached hereto as Exhibit J is a copy of Plaintiff's letter filed in the Bankruptcy Court on June 19, 2024, renewing its request for a pre-motion conference for its proposed motion for summary judgment (Adv. Pro. ECF No. 29).

13. Attached hereto as Exhibit K is a copy of Defendant's letter filed in the Bankruptcy Court on July 3, 2024, opposing Plaintiff's renewed request for permission to move for summary judgment (Adv. Pro. ECF No. 31).

14. Attached hereto as Exhibit L is a copy of the transcript of the conference held in the Bankruptcy Court on July 10, 2024.

15. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: New York, New York
July 19, 2024

/s/ David N. Saponara
David N. Saponara